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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,068	01/08/2002	Tomokuni Waike	9281-4240	3902

7590

07/07/2003

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EXAMINER

LE, DANG D

ART UNIT

PAPER NUMBER

2834

DATE MAILED: 07/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/042,068	WAUKE, TOMOKUNI	
	Examiner	Art Unit	
	Dang D Le	2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-67 is/are pending in the application.
- 4a) Of the above claim(s) 3-8, 11-17, 20-30 and 37-67 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 9, 10 and 36 is/are rejected.
- 7) ☒ Claim(s) 18, 19 and 31-35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>0702</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of group I directed to a motor with an extended stator in Paper dated 5/6/03 is acknowledged. This group includes claims 1, 2, 9, 10, 18, 19, and 31-36 instead of claims 1, 11, 21, and 36. The traversal is on the ground(s) that "the motor with an extended stator is generic all species." This is not found persuasive because although the claims 1, 11, 21 and 36 are generic to all species, the claims 1-67 contain different features requiring a thoroughly search in different subclasses in order to maintain a high quality service to the customers. Those features are classified in different subclasses. In addition, because the examiner did not provide a group of claims for each species in last Office Action and missed one more species, the restriction is rewritten with the claims in each species for the record as follows.

- Group I is directed to a motor with an extended stator including claims 1, 2, 9, 10, 18, 19, and 31-36, classified in class 310, subclass 254.
- Group II is directed to a motor with an magnetic balancer including claims 3-8, 16, 17, 24, 25, 28, 29, 44-52, and 58-64, classified in class 310, subclass 51.
- Group III is directed to a motor with a housing having notches including claims 21-23, 30, 37, and 67, classified in class 310, subclass 89.
- Group IV is directed to a motor with a magnetic shield including claims 11-15, 20, 26, 27, 53-57, 65, and 66, classified in class 310, subclass 256.

- Group V is directed to a stator having different teeth length and different coil length including claims 38-43, classified in class 310, subclass 189.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 3-8, 11-17, 20-30, and 37-67 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to nonelected groups, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper dated 5/6/03.

Claim Objections

3. Claims 18, 19, and 31-35 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claims 18, 19, and 31-35 depend on non-elected claims. Accordingly, the claims have not been further treated on the merits. As a result, claims 1, 2, 9, 10 and 36 are considered in this Office Action.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Lehman et al.

Regarding claims 1, Lehman et al. show an inner rotor motor (Figure 1) comprising:

- A rotor (11) having a plurality of magnetic poles circumferentially arranged;
and
- A stator (12) having a stator core that includes a plurality of magnetic pole teeth opposing a circumference of the rotor,
- A coil (13, 14) being provided on each of the magnetic pole teeth, wherein the stator extends not more than 180 degrees with respect to a central angle of the rotor.

Regarding claims 2 and 36, it is noted that the stator extends not more than 90 degrees with respect to the central angle of the rotor.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lehman et al. in view of Tajima et al.

Regarding claim 9, Lehman et al. show all of the limitations of the claimed invention except for six magnetic pole teeth being provided.

Tajima et al. show six magnetic pole teeth being provided (Figure 5) for the purpose of increasing torque.

Since Lehman et al. and Tajima et al. are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to make a stator with six teeth as taught by Tajima et al. for the purpose discussed above.

Regarding claim 10, it is noted that Tajima et al. also show all of the limitations of the claimed invention.

Information on How to Contact USPTO

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dang D Le whose telephone number is (703) 305-0156. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

June 30, 2003



DANG LE
PRIMARY EXAMINER